IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Crl.MC.No. 9748 of 2002()

CC.24/2002 of CHIEF JUDICIAL MAGISTRATE, ALAPPUZHA
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PETITIONER: ACCUSED:

MUHAMMED KUNJU ABDUL SALAM,
RAFIA MANZIL, ZACHARIA WARD, ALAPPUZHA.

BY ADV. SRI.A.AHZAR

RESPONDENTS: COMPLAINANT AND STATE:
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1. **UNION BANK OF INDIA, ALAPPUZHA BRANCH, REPRESENTED BY ITS BRANCH MANAGER AND PRINCIPAL OFFICER SRI.C.P. AJAYAN AGED 50 YEARS.**

2. **STATE OF KERALA REPRSENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.AMJAD ALI
SRI.A.V.THOMAS
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS
SRI.V.M.KURIAN

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.MC. NO.9748/2002

ORDER ON CRL.MP. 7458/2002 IN CRL.MC. 9748/2002

DISMISSED

31.10.2007 **SD/- K.R.UDAYABHANU JUDGE**

/TRUE COPY/

P.A. TO JUDGE

tss

K.R.UDAYABHANU, J

Crl.M.C.No.9748 of 2002

Dated this the 31st day of October, 2007

O R D E R

The petitioner is the accused in C.C.No.24/02 in the court of Chief Judicial Magistrate, Alappuzha with respect to the offence under Section 138 of the Negotiable Instruments Act.

2. It is the contention that the above case relates to dishonour of 18 separate cheques and hence the proceedings initiated cannot be sustained and that more than three cases cannot be tried together and hence the proceedings are liable to be quashed. Annexure I is the copy of the complaint wherein it is mentioned that the accused along with one Rahima Beevi availed a loan of Rs.29,000/- from the complainant on 15.5.1998. He had purchased a T.V. Set and refrigerator and issued the impugned cheques 18 in number for a sum of Rs.1,500/- each with different date starting from 23.8.2001 to 18.10.2001. It is the contention of the revision petitioner/accused that each of the incidents that culminated in dishonour of each of the cheques is a separate transaction within the provisions of Section 138 of the

Negotiable Instruments Act and hence more than three such cases cannot be tried together as contemplated under Section 219 and under Section 218 Crl.P.C. I find that the matter is covered by the decision in **Mohammed v. State of Kerala (2004(3) KLT 330).** As per section 220 clause (1) if any one series of acts are so connected together as to form the same transaction and where more than once offences are committed by the same person he may be charged with and tried at one trial for every such offence.

3. In the circumstances of the case, I find that the above provision is squarely attracted and the question of law in this regard has been considered in a number of decisions of the Supreme Court and of this court and hence, I find that the contention of the counsel for the petitioner cannot be sustained. The Crl.M.C. is dismissed. The matter shall stand posted before the court below on 30.11.2007.

K.R.UDAYABHANU,
JUDGE

csl